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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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JOSEPH CASTILLO,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 2:14-cv-637-RJS-EJF

Judge Robert J. Shelby

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Plaintiff Joseph Castillo filed his Complaint on September 10, 2014, seeking review of the Commissioner of the Social Security Administration's decision denying his application for Disability Insurance Benefits.<sup>1</sup> The case was then referred to Magistrate Judge Evelyn J. Furse pursuant to 28 U.S.C. § 636(b)(1)(B).<sup>2</sup>

Judge Furse issued a Report and Recommendation on September 2, 2015. Judge Furse recommended the court affirm the Commissioner's decision "because substantial evidence in the record supports the Administrative Law Judge's ('ALJ's') determination of Mr. Castillo's severe impairments at step two and the ALJ's evaluations of Dr. Ward's opinion and Mr. Castillo's residual functional capacity ('RFC')." <sup>3</sup>

Under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), a party has fourteen days from receipt of the Report and Recommendation to file an objection. Neither party has done so. In the absence of an objection, the court may apply a clearly erroneous standard of

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<sup>1</sup> Dkt. 3.

<sup>2</sup> Dkt. 8.


<sup>3</sup> Dkt. 18.

review.<sup>4</sup> Under this standard, the court “will affirm the Magistrate Judge’s ruling unless [the court] . . . is left with the definite and firm conviction that a mistake has been committed.”<sup>5</sup>

After carefully reviewing the briefing, record, and relevant legal authorities, the court concludes that Judge Furse did not clearly err in analyzing Mr. Castillo’s appeal. The court therefore ADOPTS the Recommendation and AFFIRMS the Commissioner’s decision. The Clerk of Court is directed to close the case.

SO ORDERED this 28th day of September, 2015.

BY THE COURT:

  
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ROBERT J. SHELBY  
United States District Judge

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<sup>4</sup> *Thompson v. Astrue*, 2010 WL 1944779, at \*1 (D. Utah May 11, 2010) (citations omitted) (internal quotation marks omitted).

<sup>5</sup> *Id.*